

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALL IN CAPITAL FUNDING, LLC,

Plaintiff,

v.

WILLIAM F SHARP,

Defendant.

CASE NO. C15-5760 RBL

ORDER DENYING IFP AND  
REMANDING TO CLARK COUNTY

[Dkt. #s 1 and 6]

THIS MATTER is before the Court on Defendant Sharp's Application to *proceed in forma pauperis* and Plaintiff All In Capital Funding's Motion to Remand. The case began as a post-foreclosure unlawful detainer proceeding under Chapter 61.24 RCW, in Clark County. Sharp removed the case, claiming both federal question and diversity jurisdiction, though his notice demonstrated the existence of neither.

Sharp seeks *in forma pauperis* status [Dkt. #1] to avoid paying the filing fee. All In Capital Funding seeks remand [Dkt. #6], pointing out that its state court complaint raised exactly one state law claim, that the parties are not of diverse citizenship, and the amount in controversy does not meet the jurisdictional minimum.

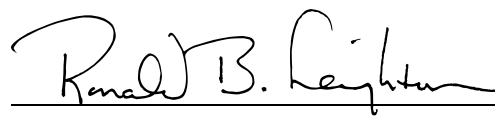
1 The party asserting federal jurisdiction has the burden of proof on a motion to remand to  
2 state court. *Conrad Associates v. Hartford Accident & Indemnity Co.*, 994 F. Supp. 1196 (N.D.  
3 Cal. 1998). The removal statute is strictly construed against removal jurisdiction. The strong  
4 presumption against removal jurisdiction means that the defendant always has the burden of  
5 establishing removal is proper. It is obligated to do so by a preponderance of the evidence. *Id.*  
6 at 1198, 1199; *see also Gaus v. Miles*, 980 F.2d 564, 567 (9<sup>th</sup> Cir. 1992). Federal jurisdiction  
7 must be rejected if there is any doubt as to the right of removal in the first instance. *Id.* at 566.

8 Sharp has made no showing whatsoever that this case was or is removable. The  
9 complaint arises only under state law, the parties are not diverse, and Sharp has not even  
10 attempted to demonstrate that this Court's amount in controversy requirement is met.

11 Though he is *pro se*, and the Court will construe his pleading liberally, there is no  
12 reading that supports removal. This Court does not have jurisdiction over the case. All In Capital  
13 Funding's Motion to Remand is **GRANTED**. This case is **REMANDED** to Clark County  
14 Superior Court. Sharp's Motion application to proceed *in forma pauperis* is **DENIED** as moot.

15 IT IS SO ORDERED.

16 Dated this 4<sup>th</sup> day of November, 2015.

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19 Ronald B. Leighton  
20 United States District Judge  
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